

**ENTERED**

October 27, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

CONNIE MARIE ROSALES,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

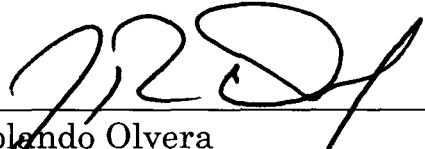
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Civil Action No. 1:16-cv-229  
(Criminal No. 1:15-cr-1150-2)

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge's Report and Recommendation in the above-referenced cause of action. No objections have been filed. After a de novo review of the file, the "Magistrate Judge's Report and Recommendation" (Docket No. 5) is **ADOPTED**. It is therefore **ORDERED, ADJUDGED, and DECREED** that Rosales' "Motion Pursuant to 28 U.S.C. § 2255 to Vacate Set Aside Sentence in Light of Retroactive Effect of the Clarifying Amendment (794)" (Docket No. 1) is **DISMISSED** with prejudice pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings for the United States District Courts for failure to state a cognizable claim. A certificate of appealability shall not issue.

Signed on this 26<sup>th</sup> day of October, 2016

  
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Rolando Olvera  
United States District Judge